

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

)
JAMES HAYDEN,)
Plaintiff,) CASE NO. 1:17-cv-02635-CAB
v.) JUDGE CHRISTOPHER A. BOYKO
2K GAMES, INC., et al.,)
Defendants.)

PLAINTIFF'S MOTION TO CONSOLIDATE CASES

Plaintiff James Hayden respectfully moves pursuant to Federal Rule of Civil Procedure 42 to consolidate the case entitled *Hayden v. 2K Games, Inc.*, 1:23-cv-01721 (N.D. Ohio) (the “1721 Case”) with the above-captioned case (the “2635 Case”), provided that further fact discovery is limited to Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”) updating its financial productions for NBA 2K21. As set forth in more detail in the attached Memorandum In Support, the 1721 Case and the 2635 Case share common facts and law, and the effective complaints for both cases are nearly identical. The 1721 Case simply accuses one additional game, NBA 2K21, of infringing the same Asserted Tattoos that are asserted in the 2635 Case. Consolidating these cases will require minimal additional work by the Parties and will not delay the proposed April 14, 2024 trial date, as no new discovery or summary judgment briefing is necessary.

Dated: September 26, 2023

Respectfully submitted,

By: /s/ Andrew Alexander

John Cipolla (Ohio Bar No. 0043614)
Daniel McMullen (Ohio Bar No. 0034380)
Todd R. Tucker (Ohio Bar No. 0065617)
Andrew Alexander (Ohio Bar No. 0091167)
Josh A. Friedman (Ohio Bar No. 0091049)
Dustin Likens (Ohio Bar No. 0097891)
Brandon E. Brown (Ohio Bar No. 0097013)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
jcipolla@calfee.com
dmcullen@calfee.com
ttucker@calfee.com
aalexander@calfee.com
jfriedman@calfee.com
dlikens@calfee.com
bbrown@calfee.com

Of Counsel

Kimberly A. Pinter (Ohio Bar No. 0084277)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
kpinter@calfee.com

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2023, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's System.

/s/ Andrew Alexander